

### **REMARKS/ARGUMENTS**

The Office Action mailed July 2, 2009, has been carefully reviewed and these remarks are responsive to that Office Action. Claims 1-28 are pending in this application. Claims 2, 13, and 14 have been amended. Reconsideration and allowance of this application are respectfully requested. The Examiner is requested to call the undersigned by phone if it is felt that this response does not place the Application in condition for allowance.

#### **Claim objections**

Claims 2, 13 and 14 are objected to because of the following informalities:

Claim 2 recites a limitation "the matched CD message" that is not introduced in claim 1. Claim 2 has been amended to read as "the matched DCD message," which has proper antecedent basis in claim 1.

Claim 13 recites a limitation "the system of claim 5." However, claim 5 is not a system claim. Claim 13 has been amended to depend on claim 12, which is a system claim. Hence, reconsideration and allowance of claim 13 are respectfully requested.

Claim 14 recites a limitation "the system of claim 6." However, claim 6 is not a system claim. Claim 14 has been amended to depend on claim 13, which is a system claim. Hence, reconsideration and allowance of claim 14 are respectfully requested.

#### **Rejection under 35 U.S.C. § 103**

Claims 1-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chapman (US Patent No. 7324515), hereinafter referred to as Chapman '515, in view of Chapman (US Patent No. 7349430), hereinafter referred to as Chapman '430.

Independent claim 1 recites, among other things:

an embedded cable modem (eCM) in communication with the eSTB, the eCM receiving the CPE identifier and configured to scan downstream channels of the CMTS for a matching DCD message, the matching DCD message having a DCD message identifier that matches the CPE identifier, the eCM tuning to the one or more tunnels identified in the matching DCD message and delivering the OOB messages included in the tuned-to

tunnels to the eSTB.

Neither Chapman '515 nor Chapman '430, either alone or in combination, teach or suggest the above feature of claim 1. The Office Action on pages 3 and 4 states that Chapman '515 describes:

an embedded cable modem (eCM) in communication with the eSTB (Fig. 1, #26-28, Fig. 3, #28, #54, col. 3, lines 57-59, wherein the cable client contains embedded set-top-box (STB) client and cable modem; the cable modem module sends the OOB message to an STB client), the eCM receiving the CPE identifier and configured to scan downstream channels of the CMTS for matching the well-known Ethernet address associated with the client (col. 3, lines 56-67, wherein a well-known Ethernet address is preconfigured into the cable modem at clients. The cable modem scans for the DOCSIS downstream channel. If the well-known Ethernet address is detected, the cable modem proceeds with one-way initialization and sends the OOB messages to an STB), the eCM tuning to the one or more tunnels identified in the ID matching and delivering the OOB messages included in the tuned-to tunnels to the eSTB (Fig. 3, #50, #54, #56, col. 4, lines 26-32 and 45-53, wherein the DOCSIS tuner in the cable modem tunes to a downstream channel and receives OOB messages identified by the well-known Ethernet address for sending to the STB client)

Also on page 4, the Office Action alleges that Chapman '430 describes downstream channel descriptor (DCD) messages for identifying specific downstream channels (col. 9, lines 50-65, col. 18, lines 43-57). As can be seen from the passage above, the Office Action inappropriately equates the idea of scanning "downstream channels of the CMTS for matching the well-known Ethernet address associated with the client" with scanning "downstream channels of the CMTS for a matching DCD message, the matching DCD message having a DCD message identifier that matches the CPE identifier." (emphasis added) The well-known Ethernet address of Chapman '515 is not equivalent to the DCD message of claim 1. While Chapman '430 mentions a downstream channel descriptor (see Chapman '430, lines 50-65, col. 18, lines 43-57), it does not teach or suggest an "eCM receiving the CPE identifier and configured to scan downstream channels of the CMTS for a matching DCD message, the matching DCD message having a DCD message identifier that matches the CPE identifier," as claimed (emphasis added) The cable modems in the architectures of both Chapman '515 and Chapman '430 are not configured to "scan downstream channels of the CMTS for a matching DCD message," as claimed. Rather, the cable modem of both Chapman references scans for a well-known Ethernet address. This scheme forces the cable modem in the Chapman references to scan every channel

from the CMTS to detect the well-known Ethernet address.

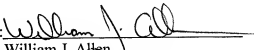
Hence, Applicants submit that claim 1 is in condition for allowance. Claims 2-7 depend from claim 1 and are distinguishable for at least the same reasons as claim 1, and further in view of the various features recited therein.

Independent claims 8, 15, and 26 recite features similar to those of claim 1 discussed above. Hence, for reasons similar to those given above for claim 1, Applicants submit that independent claims 8, 15, and 26 distinguish over the references of record and are in condition for allowance. Claims 9-14, 16-25, and 27-28 depend from one of these independent claims and are distinguishable for at least the same reasons as the independent claim from which they depend, and further in view of the various features recited therein.

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

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